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THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JUDY OXFORD, Individually, as
 Wrongful Death Heir, and as
 Successor-in-Interest to CALVIN
 OXFORD, Deceased; and CHRIS
 OXFORD and JENNIFER OXFORD, as
 Legal Heirs of CALVIN OXFORD,
 Deceased; and,
 CAROLYN ANN WILLIAMS,
 Individually, as Wrongful Death Heir, and
 as Successor-in-Interest to ROY
 WILLIAMS, Deceased; and YVETTE
 MCLEMORE-WILLIAMS as Legal Heir
 of ROY WILLIAMS, Deceased,

Plaintiffs,

vs.

GENERAL ELECTRIC COMPANY,
 TODD SHIPYARDS CORPORATION,
 LOCKHEED SHIPBUILDING
 COMPANY, and DOES 1-300,

Defendants.

No. C05-4946 SI

JOINT MOTION AND STIPULATION TO
 STAY PROCEEDING OR, IN THE
 ALTERNATIVE, TO CONTINUE CASE
 MANAGEMENT DEADLINE AND
 CONFERENCE, AND TO EXTEND TIME;
 [PROPOSED] ORDER TO STAY;
 [PROPOSED ALTERNATIVE] ORDER
 TO CONTINUE

Pursuant to Civil L. R. 7-11 and 7-12, the following parties hereby stipulate to, and
 respectfully move the Court for, an Order extending time as set forth in the *Order Setting Initial*
Case Management Conference filed November 30, 2005 (Document 2), for the following good
 cause:

1 On January 10, 2006, Defendant GENERAL ELECTRIC COMPANY filed Document 8,
2 a Notice to Tag Along Action regarding the pending Multidistrict Litigation (“MDL”) in the
3 Eastern District of Pennsylvania, seeking among other things, to move Jurisdiction of this matter
4 to that District. On January 13, 2006, Defendant TODD SHIPYARDS CORPORATION filed
5 Document 10, a similar Notice to Tag Along Notice.

6 On July 29, 1991, the Judicial Panel on Multidistrict Litigation (“JPML”) entered an
7 order transferring all asbestos personal injury cases pending in the federal courts to the United
8 States District Court for the Eastern District of Pennsylvania, for coordinated pretrial
9 proceedings pursuant to 28 U.S.C. § 14097. That order also applies to “tag-along actions,” or
10 actions involving common questions of fact filed after January 17, 1991. Such actions are to be
11 transferred to the eastern District of Pennsylvania as part of MDL 875, for coordinated pretrial
12 proceedings.

13 The JPML has held that a district court has the authority to stay pending a transfer order.
14 *In re Asbestos Products Liability Litigation*, 170 F. Supp. 2d 1348, 1349 n.1 (J.P.M.L. 2001)
15 (“[T]hose courts concluding that such issues should be addressed by the transferee judge need
16 not rule on them, and the process of 1407 transfer in MDL-875 can continue without any
17 unnecessary interruption or delay.”)

18 The parties agree that it is likely that the JPML will transfer this matter to the Eastern
19 District of Pennsylvania.

20 However, to date, the Clerk of the JPML has not entered a *Conditional Transfer Order*
21 pursuant to JPML Rule 12(a) or filed an order to show cause why the action should not be
22 transferred, pursuant to JPML Rule 13(b).

23 It is likely the dates set forth in the *Order Setting Initial Case Management Conference*
24 filed November 30, 2005 (Document 2), including the deadlines imposed by Federal Rules of
25 Civil Procedure 26, will come to pass before the Clerk of the JPML acts.

26 In addition, it has come to the attention of counsel that the Judge assigned to hear the
27 cases pending in MDL 875, the Honorable Charles R. Weiner of the Eastern District of
28 Pennsylvania, passed away on November 9, 2005 and that the Clerk of that Court has reported a

1 backlog in cases transferred to that Court by the MDL panel.

2 The parties make this Motion on the grounds that a stay of this action would (a) promote
3 judicial efficiency, (b) allow consistency in pretrial rulings, and (c) be most convenient to the
4 parties.

5 Due to the pending action by the Clerk of the JPML, the parties hereby STIPULATE to
6 and respectfully request the Court VACATE its *Order Setting Initial Case Management*
7 *Conference* filed November 30, 2006 (Document 2), and that the Court issue an Order
8 STAYING this action pending the outcome of the MDL Panel's decision on the merits of the
9 transfer.

10 In the alternative, the parties hereby STIPULATE to and respectfully request that the
11 dates set forth in the *Order Setting Initial Case Management Conference* filed November 30,
12 2005 (Document 2), be vacated and continued pending the outcome of the JPML's decision on
13 the merits of the transfer. Specifically, these deadlines include the **March 10, 2006** deadline to
14 meet and confer, and file Joint ADR Certification, the **March 24, 2006** Deadline to complete
15 Initial Disclosures, the **March 24, 2006** deadline to file the Joint Case Management Statement
16 and the Case Management Conference currently set for **March 31, 2006**.

17 Dated: February 28, 2006

BRAYTON❖PURCELL LLP

/s/ David R. Donadio

19
20 By: _____
David R. Donadio
Attorneys for Plaintiffs

22 Dated: February 24, 2006

SEDGWICK, DETERT, MORAN &
ARNOLD, LLP

/s/ Damon McClain

25 By: _____
Damon McClain
Attorneys for Defendant
GENERAL ELECTRIC COMPANY

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1 Dated: February 25, 2006

KNOTT & GLAZIER LLP

2 /s/ Laura Patricia Yee

3 By: _____
4 Laura Patricia Yee
5 Attorneys for LOCKHEED MARTIN
6 CORPORATION

7 Dated: February 27, 2006

YARON & ASSOCIATES

8 /s/ D. David Steele

9 By: _____
10 D. David Steele
11 Attorneys for TODD SHIPYARDS
12 CORPORATION

13 [PROPOSED] **ORDER TO STAY**

14 IT IS HEREBY ORDERED that the hearing date and deadlines specified in the *Order*
15 *Setting Initial Case Management Conference* filed November 30, 2005 (Document 2), are
16 hereby VACATED and that this action is STAYED pending the outcome of the JPML's decision
17 on the merits of the transfer.

18 Dated: _____



19 Susan Illston
20 United States District Court Judge

21 [PROPOSED ALTERNATIVE] **ORDER TO CONTINUE**

22 IT IS HEREBY ORDERED that the hearing date and deadlines specified in the *Order*
23 *Setting Initial Case Management Conference* filed November 30, 2005 (Document 2), are
24 hereby VACATED.

25 IT IS FURTHER ORDERED that the following case management deadlines are
26 continued as follows:

27 1. Last day to meet and confer re initial disclosures, early settlement, ADR process
28 selection, and discovery plan is [set for a date on or after July 15, 2006 to wit:] _____,
2006;

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2 2. Last day to file Joint ADR Certification with Stipulation to ADR process or
3 Notice of Need for ADR Phone Conference is [set for a date on or after July 15, 2006 to wit:]
4 _____, 2006;

5 3. Last day to complete initial disclosures or state objection to Rule 26(f) Report,
6 file/serve Case Management Statement and file/serve Rule 26(f) Report is [set for a date on or
7 after July 15, 2006 to wit:] _____, 2006; and

8 4. The Case Management Conference is [set for a date on or after July 15, 2006 to
9 wit:] Friday, _____ 2006 at 2:00 p.m., Courtroom 10 , 19th Floor, 450 Golden Gate
10 Avenue, San Francisco, California.

11 Dated: _____

12 _____
13 Susan Illston
14 United States District Court Judge
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